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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/690,609	10/23/2003	Youn-sang Lee	1572.1174	5912
21171	7590	10/06/2006	EXAMINER	
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			ALAM, FAYYAZ	
			ART UNIT	PAPER NUMBER
			2618	

DATE MAILED: 10/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/690,609	LEE, YOUNE-SANG
	<b>Examiner</b>	<b>Art Unit</b>
	Fayyaz Alam	2631

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 23 October 2003.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1 - 11 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1 - 11 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 23 October 2003 is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO/SB/08)  
     Paper No(s)/Mail Date 10/23/03 & 12/23/03.

4) Interview Summary (PTO-413)  
     Paper No(s)/Mail Date. \_\_\_\_\_.  
 5) Notice of Informal Patent Application  
 6) Other: \_\_\_\_\_

***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

***Information Disclosure Statement***

2. The information disclosure statement submitted on 10/23/2003 & 12/10/2003 been considered by the Examiner and made of record in the application file.

***Drawings***

3. The drawings are objected to because in fig. 3, element 5 the word "MEMORY" must be replaced by "MEMORY" and in element 7 replace "land" with "LAN". Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet"

pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

**Claims 1 - 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jeansonne et al. (U.S. Application # 2003/0023761) in view of Cavin (U.S. Application # 2003/0126492).**

Consider **claims 1 and 3**, Jeansonne et al. disclose a notebook computer (100) (read as portable computer) and a method of controlling the notebook computer (100) that includes a power supply (40) and a wireless communication module (42) (read

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wireless communication part) capable of transmitting and receiving a wireless signal as indicated by antenna (52) comprises: an LED indicator (66) (read as displaying part; an electrical switch (58) (read as selection part to display wireless accessibility to the wireless service network; see [0058]); a microcontroller (44) (read as controller) that controls power supply (40) through coupling with the seek logic (60) to supply power to the wireless communication module (42) (read as wireless communication part; see [0038] and [0040]), and LED indicator (66) (read as displaying part) in order to execute the search for wireless network access and display the network availability once the electrical switch (58) (read as selection part) is selected while the notebook computer (100) (read as portable computer) power is turned off (see [0037 - 0042]). Although not explicitly disclosed it is inherent in order to operate any electrical device one would need to supply power to it. Similarly, in order to operate the BIOS, it is inherent to supply power.

However, Jeansonne et al. fail to disclose a BIOS memory storing a network accessing routine determining the wireless accessibility based on the wireless signal received by the wireless communicating part.

In the related field of endeavor, Cavin discloses BIOS/firmware (306) that comprises an 802.11(b) Medium Access Controller (MAC) (read as network access routine) which provides interface between the software in the BIOS (306) and the network card and plays a part in performing wireless communication (see [0037]).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of Jeansonne et al. with the

teachings of Cavin in order to perform a wireless network search without turning the system power on and thereby conserving power in a situation where finite power is available.

Consider **claims 2 and 4** as applied to claims 1 and 4, Jeansonne et al. disclose a ten second (predetermined time) seek time to determine the availability of a wireless network once the electrical switch (58) (read as selection part) is selected and after that the power supply is disabled through the seek logic (60) which is coupled to the microcontroller (44) (read as controller) which effectively shuts off any power (read as the controller controls the power supplying part to interrupt the power supply to the displaying part, the wireless communication part and the BIOS memory (see [0043] and [0046]).

Consider **claim 5**, Jeansonne et al. disclose a notebook computer (100) (read as portable computer) comprising: an electrical switch (58) (read as hardware selector) to activate the wireless communication module (42) to seek wireless network access while the notebook computer (100) is turned off; and a media access controller (44) (read as programmed controller) is activated by the operation of the electrical switch (68) (read as selector) and power is only supplied only to components that perform the wireless access seek function (read as components providing a wireless network accessibility state; see [0036 - 0042]).

Consider **claim 6** as applied to claim 5, Jeansonne et al. disclose a wireless communication module (42) (read wireless communication part) capable of transmitting

and receiving a wireless signal as indicated by antenna (52) and an LED indicator (66) (read as notifying part) to display the wireless network availability (see [0036 - 0042]).

However, Jeansonne et al. fail to disclose a BIOS memory storing a network accessing routine determining the wireless accessibility based on the wireless signal received by the wireless communicating part.

In the related field of endeavor, Cavin discloses BIOS/firmware (306) that comprises an 802.11(b) Medium Access Controller (MAC) (read as network access routine) which provides interface between the software in the BIOS (306) and the network card and plays a part in performing wireless communication (see [0037]).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of Jeansonne et al. with the teachings of Cavin in order to perform a wireless network search without turning the system power on and thereby conserving power in a situation where finite power is available.

Consider **claim 7** as applied to claim 5, Jeansonne et al. disclose a wireless communication module (42) (read as wireless communication part) receiving and transmitting a wireless signal through the wireless network as shown by antenna (52) to seek a wireless network in response to the execution of the seek function (read as network access routine) and providing the wireless network availability and displaying the availability through the LED indicator (66) (see [0042] and [0045]).

However, Jeansonne et al. fail to disclose a BIOS memory storing a network accessing routine determining the wireless accessibility based on the wireless signal received by the wireless communicating part.

In the related field of endeavor, Cavin discloses BIOS/firmware (306) that comprises an 802.11(b) Medium Access Controller (MAC) (read as network access routine) which provides interface between the software in the BIOS (306) and the network card and plays a part in performing wireless communication (see [0037]).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of Jeansonne et al. with the teachings of Cavin in order to perform a wireless network search without turning the system power on and thereby conserving power in a situation where finite power is available.

Consider **claim 8**, Jeansonne et al. disclose a notebook computer (100) (read as portable computer) with a microcontroller (44) (read as controller) comprising: a microcontroller (44) (also read as programmed computer processor; [0045]) which is activated by an electrical switch (58) (read as selector) while the notebook computer (100) is turned off and power is only supplied only to components that perform the wireless access seek function (read as components providing a wireless network accessibility state; see [0036 - 0042]).

Consider **claim 9** as applied to claim 8, Jeansonne et al. disclose a wireless communication module (42) (read wireless communication part) capable of transmitting

and receiving a wireless signal as indicated by antenna (52) and an LED indicator (66) (read as notifying part) to display the wireless network availability (see [0042]).

However, Jeansonne et al. fail to disclose a BIOS memory storing a network accessing routine determining the wireless accessibility based on the wireless signal received by the wireless communicating part.

In the related field of endeavor, Cavin discloses BIOS/firmware (306) that comprises an 802.11(b) Medium Access Controller (MAC) (read as network access routine) which provides interface between the software in the BIOS (306) and the network card and plays a part in performing wireless communication (see [0037]).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of Jeansonne et al. with the teachings of Cavin in order to perform a wireless network search without turning the system power on and thereby conserving power in a situation where finite power is available.

Consider **claim 10** as applied to claim 8, Jeansonne et al. disclose a wireless communication module (42) (read as wireless communication part) receiving and transmitting a wireless signal through the wireless network as shown by antenna (52) to seek a wireless network in response to the execution of the seek function (read as network access routine) and providing the wireless network availability and displaying the availability through the LED indicator (66) (see [0042] and [0045]).

However, Jeansonne et al. fail to disclose a BIOS memory storing a network accessing routine determining the wireless accessibility based on the wireless signal received by the wireless communicating part.

In the related field of endeavor, Cavin discloses BIOS/firmware (306) that comprises an 802.11(b) Medium Access Controller (MAC) (read as network access routine) which provides interface between the software in the BIOS (306) and the network card and plays a part in performing wireless communication (see [0037]).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of Jeansonne et al. with the teachings of Cavin in order to perform a wireless network search without turning the system power on and thereby conserving power in a situation where finite power is available.

Consider **claim 11**, Jeansonne et al. disclose a method of controlling a notebook computer (100) (read as wireless portable computer) by operating an electrical switch (58) (read as hardware selector) while the power to the notebook computer (100) is turned off in order to provide network access to the notebook computer (100) and power to the wireless communication module (42).

However, Jeansonne et al. fail to disclose storing in a BIOS memory of the wireless portable computer a wireless network accessing routine that provides a wireless network accessibility status; and executing the wireless network accessing routine at the BIOS level to provide the wireless network accessibility status.

In the related field of endeavor, Cavin discloses BIOS/firmware (306) that comprises an 802.11(b) Medium Access Controller (MAC) (read as network access routine) which provides interface between the software in the BIOS (306) and the network card and plays a part in performing wireless communication at the BIOS level (see [0037]).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of Jeansonne et al. with the teachings of Cavin in order to perform a wireless network search without turning the system power on and thereby conserving power in a situation where finite power is available.

***Conclusion***

6. Any response to this Office Action should be **faxed to (571) 273-8300 or mailed to:**

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**Hand-delivered responses should be brought to**

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7. Any inquiry concerning this communication or earlier communications from the

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Examiner should be directed to Fayyaz Alam whose telephone number is (571) 270-1102. The Examiner can normally be reached on Monday-Friday from 9:30am to 7:00pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Edan Orgad can be reached on (571) 272-7884. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.

Fayyaz Alam

September 19, 2006

EDAN ORGAD  
PATENT EXAMINER/TELECOMM.

A handwritten signature in black ink, appearing to read "Edan Orgad 9/25/06".